

February 16, 2018

**VIA ELECTRONIC DELIVERY**  
**[<https://foiaonline.regulations.gov/>]**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460  
(202) 566-1667

Re: Freedom of Information Act Request

Dear FOIA Officer:

On behalf of The Chemours Company FC, LLC (“Chemours”), we submit this request pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and request the following records:

**A. Records Regarding GenX**

1. All records referencing the chemical compounds commonly known and hereinafter referred to as “GenX”:
  - a. HFPO Dimer Acid (CAS No. 13252-13-6; PMN: P-08-508), also referred to, among other names, as C3 Dimer Acid, FRD903, GX903, C3DA, or Propanoic acid, 2,3,3,3-tetrafluoro-2-(1,1,2,2,3,3,3-heptafluoropropoxy)-, or by its chemical structure  $\text{CF}_3(\text{CF}_2)_2\text{OCF}(\text{CF}_3)\text{COOH}$ ; and
  - b. HFPO Dimer Acid Ammonium Salt (CAS No. 62037-80-3; PMN: P-08-509), also referred to, among other names, as C3 Dimer Acid Ammonium Salt, FRD902, GX902, or Propanoic acid, 2,3,3,3-tetrafluoro-2-

1,1,2,2,3,3,3-heptafluoropropoxy)- ammonium salt, or by its chemical structure  $\text{CF}_3\text{CF}_2\text{CF}_2\text{OCF}(\text{CF}_3)\text{COOH}(\text{NH}_3)$  or  $\text{CF}_3\text{CF}_2\text{CF}_2\text{OCF}(\text{CF}_3)\text{CO}_2\text{-NH}_4^+$ .

2. Without limiting the foregoing, all records concerning risk assessments, toxicity or toxicology evaluations, safety or hazard studies or analyses, potential designation as a “hazardous pollutant” or “toxic pollutant” or “hazardous substance” or “suspected, probable, or known carcinogen” or other similar designation under any law administered by EPA, of potential hazard or harmfulness relating to GenX. The foregoing includes, but is not limited to, all analyses, evaluations, risk assessments, studies or data collections or manipulations by EPA’s IRIS Program, National Center for Environmental Assessment, Office of Research and Development, or Office of Chemical Safety and Pollution Prevention.
3. Without limiting the foregoing, all records associated with EPA’s consideration of, comment on, consultation regarding and analyses or reviews concerning the establishment of i) a federal drinking water standard, MCL, or MCLG under the Safe Drinking Water Act, ii) a federal health advisory level, *or* iii) the designation

of a provisional health goal for safe drinking water by the North Carolina Department of Health and Human Services (“NC DHHS”) for GenX.

- a. Without limiting the foregoing, all records associated with the NC DHHS announcement (on or around June 8, 2017), consideration or designation of a provisional health goal for GenX of 71,000 parts per trillion (“ppt”) or 71 parts per billion (“ppb”).
  - b. Without limiting the foregoing, all records associated with the NC DHHS announcement (on or around July 14, 2017), consideration or designation of a provisional health goal for GenX of 140 ppt.
4. Without limiting the foregoing, all records referencing the January 2009 TSCA Consent Order between EPA and DuPont regarding premanufacture notices for substances P-08-508 and P-08-509.

**B. Records Regarding Fayetteville Works**

5. All records relating to any EPA action, communication, analyses, comments, guidance or approvals concerning NPDES Permit No. NC0003573 for the manufacturing facility in Fayetteville, North Carolina owned and operated by DuPont and subsequently by Chemours (“the Fayetteville Works facility”), for the period 2000-present. The foregoing request includes, but is not limited to, review

and communication with the North Carolina Department of Environmental Quality (“NC DEQ”, formerly known as the North Carolina Department of Environment and Natural Resources or “NC DENR”) or any other parties concerning permit applications or permit renewal applications and any correspondence, meetings or conversations associated therewith.

6. All records related to or resulting from either (i) inspections of or (ii) requests for information concerning the Fayetteville Works facility, undertaken pursuant to the Clean Water Act, Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, or any other EPA authority, for the period 2009-present.
7. All records in the files of EPA’s Office of Water concerning the Fayetteville Works facility.
8. All records in the files of EPA’s Office of Air and Radiation concerning the Fayetteville Works facility.
9. All records in the files of EPA’s Office of Chemical Safety and Pollution Prevention concerning the Fayetteville Works facility.

10. All records in the files of EPA's Office of Resource Conservation and Recovery concerning the Fayetteville Works facility.

11. All records in the files of EPA's Office of Enforcement and Compliance Assurance concerning the Fayetteville Works facility.

**C. Records Regarding Washington Works**

12. All records related to EPA's involvement with, comment on, review and/or approval/disapproval in whole or in part of the January 31, 2012 West Virginia Department of Environmental Protection ("WV DEP") Consent Order No. 7418 establishing a limitation of 17,500 ppt GenX for the manufacturing facility in Washington, West Virginia owned and operated by Chemours and, prior to July 2015, by DuPont ("the Washington Works facility").

13. All records relating to any EPA action, communication, analyses, comments, guidance or approvals concerning NPDES Permit No. WV0001279 for the Washington Works facility, for the period 2007-present. The foregoing request includes, but is not limited to, review and communication with the WV DEP or

any other parties concerning permit applications or permit renewal applications and any correspondence, meetings or conversations associated therewith.

**D. Records Regarding C3 Dimer Acid Potassium Salt**

14. All records referencing the chemical compound C3 Dimer Acid Potassium Salt (CAS No. 67118-55-2), also referred to, among other names, as the potassium salt of the GenX parent ion or potassium 2,3,3,3-tetrafluoro-2-(heptafluoropropoxy)propionate.

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Chemours' fee category is commercial, and Chemours agrees to arrange for payment of reasonable search and production costs. If these costs exceed \$1,500.00, however, please notify me before producing the records. We understand that we can expect a response from EPA within 20 days of receipt of this letter. If the scope of this request is such that you expect a delay in processing it, please contact me immediately to reach an agreement upon a schedule for responding in installments.

If you deny all or part of this request, please cite each specific exemption you think justifies your withholding information and provide any severable portions of the records requested. Please also notify me of any appeal procedures available under the law.

# Arnold & Porter

FOIA Officer  
February 16, 2018  
Page 7


Although a written reply is requested and expected, if you have any questions about this request or require any further information, please contact me at (202) 942-5468 or [thomas.santoro@arnoldporter.com](mailto:thomas.santoro@arnoldporter.com).

Finally, we anticipate that many of the records requested herein may be located at EPA's regional offices, including but not limited to the offices of EPA Regions 2, 3, 4, and 5. We understand that the National FOIA Officer will coordinate the production of our requested records from EPA's regional offices. Please let me know as soon as possible if this understanding is incorrect, and we will promptly submit a separate FOIA Request to each of the EPA regional offices that may have records requested herein.

Thank you for your attention to this matter.

Sincerely,

Arnold & Porter Kaye Scholer LLP, on behalf of  
The Chemours Company FC, LLC

By: 

Thomas Santoro